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*Crl.M.P.Nos.9999 and 10003 of 2025
in Crl.R.C.No.607 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2025

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.M.P.Nos.9999 and 10003 of 2025

in

Crl.R.C.No.607 of 2025

Ashok Kumar

...Petitioner in both
Petitions

Vs.

The State Rep. by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
(Crime No.209 of 2016)

... Respondent in both
Petitions

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 438(1) and 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner in C.A.No.128 of 2022 dated 13.02.2025 of the learned I Additional District and Sessions Judge, Tiruppur confirming the conviction and sentence passed by the learned Judicial Magistrate Court No.1, Tiruppur in C.C.No.327 of 2016 dated 03.09.2022 and to enlarge the petitioner on bail pending disposal of the above criminal revision petition.



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In Both Petitions

For Petitioner : Mr.J.Franklin

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed by the Judgment dated 13.02.2025 made in Crl.A.No.128 of 2022 passed by the I Additional District and Sessions Judge, Tiruppur, by confirming the judgment and sentence passed by the Trial court dated 03.09.2022 in CC No.327 of 2016 passed by Judicial Magistrate Court No.I, Tiruppur, and enlarge the petitioner on bail and seeking to exempt the petitioner from surrendering before the trial Court pending disposal of the above revision petition.

2. The petitioner herein is the accused in C.C.No.327 of 2016 on the file of the learned Judicial Magistrate Court No.I, Tiruppur. He was found guilty of the offence under Sections 279 & 304-A of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 279 of IPC	to undergo rigorous imprisonment for a



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S.No.	Conviction	Sentence
		period of six months.
2	Section 304-A of IPC	to undergo rigorous imprisonment for a period of one year.

Aggrieved by the same, the petitioner had filed appeal in C.A.No.128 of 2022 and the learned I Additional District and Sessions Judge, Tiruppur. By order dated 13.02.2025, the appellate Court had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. Further it is his specific submission that the petitioner was enlarged on bail during the time of pendency of the appeal before the first appellate Court and the petitioner may be exempted from surrendering before the Trial Court. He would submit that the petitioner is ready to abide the condition imposed by this Court.



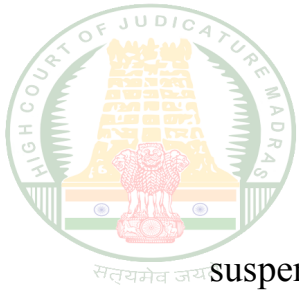
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4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing these petitions. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police, further this criminal revision is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of



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suspension of sentence and bail are granted on the following conditions:

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(a) The petitioner/accused is ordered to be released on bail, on his executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.I, Tiruppur.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.



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Petitions are ordered.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The I Additional District and Sessions Judge, Tiruppur.
2. The Judicial Magistrate Court No.I, Tiruppur.
3. The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.
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